

**United States District Court**  
**District of Utah**

FILED  
CLERK, U.S. DISTRICT COURT  
FEB 23 10 5:04  
DISTRICT OF UTAH  
DEPUTY CLERK

**UNITED STATES OF AMERICA**

**vs.**

**Mayra Selene Garcia Wong-Valencia**

aka Mayra Selene Garcia-Wong

**JUDGMENT IN A CRIMINAL CASE**

(For Offenses Committed On or After November 1, 1987)

Case Number: **2:05-cr-00004-001 PGC**

Plaintiff Attorney: **Dustin Pead**

Defendant Attorney: **Rob Hunt**

Atty: CJA \_\_\_ Ret \_\_\_ FPD **X**

Defendant's Soc. Sec. No.: **None**

Defendant's Date of Birth: \_\_\_\_\_

Defendant's USM No.: **12294-081**

Defendant's Residence Address: \_\_\_\_\_

**none**

**02/23/2005**

Date of Imposition of Sentence

Defendant's Mailing Address: \_\_\_\_\_

**same**

Country **Mexico**

Country **none**

THE DEFENDANT:

☒ pleaded guilty to count(s)

☐ pleaded nolo contendere to count(s)  
which was accepted by the court.

☐ was found guilty on count(s)

COP **02/23/2005** Verdict \_\_\_\_\_

**1 of the Indictment**

**Title & Section**

**8 USC § 1326**

**Nature of Offense**

**Re-Entry of Previously Removed Alien**

**Count**

**Number(s)**

**1**

☐ The defendant has been found not guilty on count(s)

☐ Count(s) \_\_\_\_\_ (is)(are) dismissed on the motion of the United States.

**SENTENCE**

Pursuant to the Sentencing Reform Act of 1984, it is the judgment and order of the Court that the defendant be committed to the custody of the United States Bureau of Prisons for a term of **time served**

Upon release from confinement, the defendant shall be placed on supervised release for a term of **36 months**

☐ The defendant is placed on Probation for a period of \_\_\_\_\_  
The defendant shall not illegally possess a controlled substance.

15

*For offenses committed on or after September 13, 1994:*

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as directed by the probation officer.

- ☐ The above drug testing condition is suspended based on the court's determination that the defendant possesses a low risk of future substance abuse. (Check if applicable.)

### **SPECIAL CONDITIONS OF SUPERVISED RELEASE/PROBATION**

In addition to all Standard Conditions of (Supervised Release or Probation) set forth in PROBATION FORM 7A, the following Special Conditions are imposed: (see attachment if necessary)

1. The defendant shall not re-enter the United States illegally. In the event that the defendant should be released from confinement without being deported, he shall contact the United States Probation Office in the district of release within 72 hours of release. If the defendant returns to the United States during the period of supervision after being deported, he is instructed to contact the United States Probation Office in the District of Utah within 72 hours of arrival in the United States.
2. The defendant shall submit to the collection of a DNA sample at the direction of the BOP or the USPO.

### **CRIMINAL MONETARY PENALTIES**

#### **FINE**

The defendant shall pay a fine in the amount of \$ \_\_\_\_\_, payable as follows:

- ☐ forthwith.
- ☐ in accordance with the Bureau of Prison's Financial Responsibility Program while incarcerated and thereafter pursuant to a schedule established by the U.S. Probation office, based upon the defendant's ability to pay and with the approval of the court.
- ☐ in accordance with a schedule established by the U.S. Probation office, based upon the defendant's ability to pay and with the approval of the court.
- ☒ other:  
**No Fine Imposed**

- ☐ The defendant shall pay interest on any fine more than \$2,500, unless the fine is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f).
- ☐ The court determines that the defendant does not have the ability to pay interest and pursuant to 18 U.S.C. § 3612(f)(3), **it is ordered that:**
- ☐ The interest requirement is waived.
- ☐ The interest requirement is modified as follows:

## RESTITUTION

The defendant shall make restitution to the following payees in the amounts listed below:

<u>Name and Address of Payee</u>	<u>Amount of Loss</u>	<u>Amount of Restitution Ordered</u>
----------------------------------	-----------------------	--

Totals: \$ \_\_\_\_\_ \$ \_\_\_\_\_

(See attachment if necessary.) All restitution payments must be made through the Clerk of Court, unless directed otherwise. If the defendant makes a partial payment, each payee shall receive an approximately proportional payment unless otherwise specified.

☐ Restitution is payable as follows:

☐ in accordance with a schedule established by the U.S. Probation Office, based upon the defendant's ability to pay and with the approval of the court.

☐ other: \_\_\_\_\_

☐ The defendant having been convicted of an offense described in 18 U.S.C. § 3663A(c) and committed on or after 04/25/1996, determination of mandatory restitution is continued until \_\_\_\_\_ pursuant to 18 U.S.C. § 3664(d)(5)(not to exceed 90 days after sentencing).

☐ An Amended Judgment in a Criminal Case will be entered after such determination

## SPECIAL ASSESSMENT

The defendant shall pay a special assessment in the amount of \$ 100.00, payable as follows:

☒ forthwith.

☐ \_\_\_\_\_

**IT IS ORDERED** that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid

## PRESENTENCE REPORT/OBJECTIONS

The court adopts the factual findings and guidelines application recommended in the presentence report except as otherwise stated in open court.

**DEPARTURE**

The Court **does grant** the Motion for Departure pursuant to 18 U.S.C. 3553(c)(2), the Court enters its reasons for departure: **A Joint motion by the government and defense counsel for the downward departure was made pursuant to 5K2.0 for outside the heartland, including entering the country for medical reasons.**

**RECOMMENDATION**

- ☐ Pursuant to 18 U.S.C. § 3621(b)(4), the Court makes the following recommendations to the Bureau of Prisons:
- 

**CUSTODY/SURRENDER**

- ☒ The defendant is remanded to the custody of the United States Marshal.
- ☐ The defendant shall surrender to the United States Marshal for this district at \_\_\_\_\_ on \_\_\_\_\_.
- ☐ The defendant shall report to the institution designated by the Bureau of Prisons by \_\_\_\_\_ Institution's local time, on \_\_\_\_\_.

DATE:

2/23/05



**Paul Cassell**  
**United States District Judge**

Defendant: Mayra Selene Garcia Wong-Valencia  
Case Number: 2:05-cr-00004-001 PGC

Page 5 of 5

**RETURN**

I have executed this judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_

at \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
Deputy U.S. Marshal

tsh

United States District Court  
for the  
District of Utah  
February 24, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:05-cr-00004

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Dustin B. Pead, Esq.  
US ATTORNEY'S OFFICE  
,  
EMAIL

Robert K. Hunt, Esq.  
UTAH FEDERAL DEFENDER OFFICE  
46 W BROADWAY STE 110  
SALT LAKE CITY, UT 84101  
EMAIL

US Probation  
DISTRICT OF UTAH  
,  
EMAIL

United States Marshal Service  
DISTRICT OF UTAH  
,  
EMAIL

**United States District Court**  
**District of Utah**

FILED  
CLERK U.S. DISTRICT COURT  
AUG 23 11 5:05  
DISTRICT OF UTAH  
DEPUTY CLERK

**UNITED STATES OF AMERICA**

**vs.**

**Alan Wade Clapp**

**JUDGMENT IN A CRIMINAL CASE**

(For Offenses Committed On or After November 1, 1987)

Case Number: **1:03-cr-00120-001 PGC**

Plaintiff Attorney: **Lana Taylor**

Defendant Attorney: **Mark Kouris**

Atty: CJA \_\_\_ Ret \_\_\_ FPD **\***

Defendant's Soc. Sec. No.: \_\_\_\_\_

Defendant's Date of Birth: \_\_\_\_\_

Defendant's USM No.: **10881-081**

Defendant's Residence Address: \_\_\_\_\_

Country **USA**

**02/23/2005**

Date of Imposition of Sentence

Defendant's Mailing Address: \_\_\_\_\_

same

Country **USA**

**THE DEFENDANT:**

☒ pleaded guilty to count(s)

☐ pleaded nolo contendere to count(s)  
which was accepted by the court.

☐ was found guilty on count(s)

COP **04/28/2004** Verdict \_\_\_\_\_

**1 of the Indictment**

**Title & Section**

**21 USC § 841(a)(1)**

**Nature of Offense**

**Possession With Intent To Distribute  
Methamphetamine**

**Count  
Number(s)**

**1**

**Entered on docket**

**2-24-05 by:**

**TST**

**Deputy Clerk**

☐ The defendant has been found not guilty on count(s)

☐ Count(s) \_\_\_\_\_ (is)(are) dismissed on the motion of the United States.

**SENTENCE**

Pursuant to the Sentencing Reform Act of 1984, it is the judgment and order of the Court that the defendant be committed to the custody of the United States Bureau of Prisons for a term of **120 months with credit for federal time served.**

Upon release from confinement, the defendant shall be placed on supervised release for a term of **48 months**.

☐ The defendant is placed on Probation for a period of \_\_\_\_\_  
The defendant shall not illegally possess a controlled substance.

**45**

*For offenses committed on or after September 13, 1994:*

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as directed by the probation officer.

- ☐ The above drug testing condition is suspended based on the court's determination that the defendant possesses a low risk of future substance abuse. (Check if applicable.)

### **SPECIAL CONDITIONS OF SUPERVISED RELEASE/PROBATION**

In addition to all Standard Conditions of (Supervised Release or Probation) set forth in PROBATION FORM 7A, the following Special Conditions are imposed: (see attachment if necessary)

1. The defendant will submit to drug/alcohol testing as directed by the USPO and pay a one-time \$115 fee to partially defer the costs of collection and testing. If testing reveals illegal drug use, the defendant shall participate in drug and/or alcohol abuse treatment under a co-payment plan as directed by the USPO.
2. The defendant shall maintain full-time verifiable employment or participate in academic or vocational development throughout the term of supervision as deemed appropriate by the probation office.

### **CRIMINAL MONETARY PENALTIES**

#### **FINE**

The defendant shall pay a fine in the amount of \$ \_\_\_\_\_, payable as follows:

- ☐ forthwith.
- ☐ in accordance with the Bureau of Prison's Financial Responsibility Program while incarcerated and thereafter pursuant to a schedule established by the U.S. Probation office, based upon the defendant's ability to pay and with the approval of the court.
- ☐ in accordance with a schedule established by the U.S. Probation office, based upon the defendant's ability to pay and with the approval of the court.
- ☒ other:  
**No Fine Imposed**

- ☐ The defendant shall pay interest on any fine more than \$2,500, unless the fine is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f).
- ☐ The court determines that the defendant does not have the ability to pay interest and pursuant to 18 U.S.C. § 3612(f)(3), **it is ordered that:**
- ☐ The interest requirement is waived.
- ☐ The interest requirement is modified as follows:
-



## RESTITUTION

The defendant shall make restitution to the following payees in the amounts listed below:

<u>Name and Address of Payee</u>	<u>Amount of Loss</u>	<u>Amount of Restitution Ordered</u>
----------------------------------	-----------------------	--

Totals: \$ \_\_\_\_\_ \$ \_\_\_\_\_

(See attachment if necessary.) All restitution payments must be made through the Clerk of Court, unless directed otherwise. If the defendant makes a partial payment, each payee shall receive an approximately proportional payment unless otherwise specified.

☐ Restitution is payable as follows:

☐ in accordance with a schedule established by the U.S. Probation Office, based upon the defendant's ability to pay and with the approval of the court.

☐ other: \_\_\_\_\_

☐ The defendant having been convicted of an offense described in 18 U.S.C. § 3663A(c) and committed on or after 04/25/1996, determination of mandatory restitution is continued until \_\_\_\_\_ pursuant to 18 U.S.C. § 3664(d)(5)(not to exceed 90 days after sentencing).

☐ An Amended Judgment in a Criminal Case will be entered after such determination

## SPECIAL ASSESSMENT

The defendant shall pay a special assessment in the amount of \$ 100.00, payable as follows:

☒ forthwith.

☐ \_\_\_\_\_

**IT IS ORDERED** that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid

## PRESENTENCE REPORT/OBJECTIONS

The court adopts the factual findings and guidelines application recommended in the presentence report except as otherwise stated in open court.

Defendant: Alan Wade Clapp  
Case Number: 1:03-cr-00120-001 PGC

Page 4 of 5

### RECOMMENDATION

- ☒ Pursuant to 18 U.S.C. § 3621(b)(4), the Court makes the following recommendations to the Bureau of Prisons:

**Placement in the Sheridan, Oregon facility for the educational programs and an intensive drug treatment program.**

---

### CUSTODY/SURRENDER

- ☒ The defendant is remanded to the custody of the United States Marshal.
- ☐ The defendant shall surrender to the United States Marshal for this district at \_\_\_\_\_ on \_\_\_\_\_.
- ☐ The defendant shall report to the institution designated by the Bureau of Prisons by \_\_\_\_\_ Institution's local time, on \_\_\_\_\_.

DATE:

2/23/05



Paul Cassell

United States District Judge

Defendant: Alan Wade Clapp  
Case Number: 1:03-cr-00120-001 PGC

Page 5 of 5

**RETURN**

I have executed this judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_

at \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
Deputy U.S. Marshal

tsh

United States District Court  
for the  
District of Utah  
February 24, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 1:03-cr-00120

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Colleen K. Coebergh, Esq.  
29 S STATE ST #007  
SALT LAKE CITY, UT 84111  
EMAIL

Robert L. Steele, Esq.  
UTAH FEDERAL DEFENDER OFFICE  
46 W BROADWAY STE 110  
SALT LAKE CITY, UT 84101  
EMAIL

US Probation  
DISTRICT OF UTAH  
,  
EMAIL

United States Marshal Service  
DISTRICT OF UTAH  
,  
EMAIL

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CLERK, U.S. DISTRICT COURT

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2005 FEB 24 P 3:34

2005 FEB 22 P 4:04

David E. Leta, Esq. (1937)  
Brian Cheney, Esq. (8881)  
Amy K. Smedley, Esq. (9519)

U.S. DISTRICT COURT

**SNELL & WILMER**

BY: \_\_\_\_\_  
DEPUTY CLERK

U.S. DISTRICT COURT  
DISTRICT OF UTAH

15 West South Temple, Suite 1200

Salt Lake City, UT 84101

Telephone: (801) 257-1928

Facsimile: (801) 257-1800

E-mail: dleta@swlaw.com

bcheney@swlaw.com

asmedley@swlaw.com

**RECEIVED**

FEB 23 2005

OFFICE OF  
JUDGE PAUL G. CASSELL

Attorneys for Plaintiff SUMMITBRIDGE NATIONAL INVESTMENTS LLC

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH**

**SUMMITBRIDGE NATIONAL  
INVESTMENTS LLC**, a Delaware limited  
liability company,

Plaintiff,

vs.

**BECHO, INC.**, a Utah Corporation, and  
**LOUIS LUCIDO**, an individual,

Defendants.

**ORDER OF DISMISSAL**

Case No. 2:04CV00719 PGC

Honorable Paul G. Cassell

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure and DUCivR 54-1(d), this matter came before the Court upon consideration of that certain *Stipulation and Joint Motion for Dismissal with Prejudice*, dated February 22, 2005 (the "**Stipulation**"), filed herein by Plaintiff Summitbridge National Investments LLC and Defendants Becho, Inc. and Louis Lucido (collectively, the "**Parties**"), through their respective counsel. The Court having considered the Stipulation, and good cause appearing therefore, it is hereby

21

**ORDERED** that all claims that are or could be asserted herein by the Parties against each other, shall be, and the same hereby are dismissed, with prejudice, each party to bear their own attorneys' fees and costs.

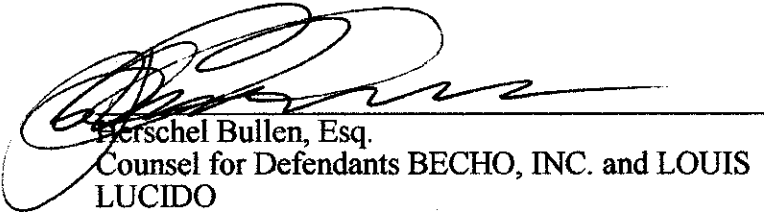
DATED this 23rd day of February, 2005.

BY THE COURT:



Judge Paul G. Cassell  
United States District Judge

APPROVED AS TO FORM:



Herschel Bullen, Esq.  
Counsel for Defendants BECHO, INC. and LOUIS  
LUCIDO

tsh

United States District Court  
for the  
District of Utah  
February 24, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:04-cv-00719

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Mr. David E Leta, Esq.  
SNELL & WILMER LLP  
15 W SOUTH TEMPLE STE 1200  
GATEWAY TOWER W  
SALT LAKE CITY, UT 84101  
EMAIL

Mr. Herschel P. Bullen, Esq.  
1815 W 500 S  
SALT LAKE CITY, UT 84104  
JFAX 9,9732068